

ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Sri Ch. Surya Prakash Rao, Commercial Tax Officer (Retired) – Allegation of filing false Community Certificate – Disciplinary action initiated – Punishment of 25% cut in pension imposed – Individual approached the Hon'ble A.P. Administrative Tribunal – Punishment set aside by the Hon'ble Tribunal – Writ Petition filed before the Hon'ble High Court of Andhra Pradesh – Hon'ble High Court confirmed the orders of the Hon'ble Tribunal – Punishment orders set aside – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 799

Dt.01.06.2010.

Read the following:-

- 1) G.O. Ms. No.202, Revenue (Vig.I) Deptt., dt.17.02.2003.
- 2) O.A. No.1747/2003 filed by Sri Ch. Surya Prakash Rao, CTO (Retd.).
- 3) Hon'ble A.P.A.T., Orders, dt.08.04.2003 in O.A. No.1747/2003.
- 4) W.P. No.5285/2004 filed before the Hon'ble High Court.
- 5) Hon'ble High Court of A.P., dt.16.11.2009 in W.P. No.5285/2004.
- 6) CCT's Ref. No.D2/3663/98, dt.08.03.2010.

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ORDER:

In the reference first read above, a punishment of 25% cut in pension was imposed against Sri Ch. Surya Prakash Rao, Commercial Tax Officer (Retd.) on the allegation that he has filed false Community Certificate stating that he belongs to the Community of "Konda Kapu" which is a Schedule Tribe.

2) Aggrieved by the above orders, in the reference second read above, Sri Ch. Surya Prakash Rao, Commercial Tax Officer (Retd.) has approached the Hon'ble A.P. Administrative Tribunal and filed the O.A. No.1747/2003 with a prayer to quash the punishment orders and direct the respondents to pay full pension, gratuity and all other retirement benefits.

3) In the reference third read above, the Hon'ble Administrative Tribunal directed the respondents to release the complete retirement benefits to which the applicant is entitled to, within three months from the date of the receipt of the order.

4) Against the above orders of the Hon'ble A.P. Administrative Tribunal, in the reference fourth read above, a Writ Petition was filed before the Hon'ble High Court of Andhra Pradesh.

5) The Hon'ble High Court, in its orders in the reference fifth read above, while dismissing Writ Petition, ordered that the impugned order passed by the Tribunal quashing the proceedings do not suffer from any illegality warranting interference.

6) Government, after careful examination of the matter in detail, decided to implement the orders of the Hon'ble High Court of Andhra Pradesh and to release the retirement benefits to the applicant to which he is entitled by setting aside the orders issued in the reference first read above.

7) The Commissioner of Commercial Taxes shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Ch. Surya Prakash Rao, Commercial Tax Officer (Retd.)
through the Commissioner of Commercial Taxes,
A.P., Hyderabad.

The Commissioner of Commercial Taxes, A.P., Hyderabad.

Copy to:-

The District Treasury Officer, Kakinada, East Godavari District.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER